

**RESOLUTION  
BOROUGH OF BUTLER  
PLANNING BOARD  
IN THE MATTER OF  
MADELINE PAULISON  
APPLICATION NO.: NC 23-68  
CERTIFICATE CERTIFYING NONCONFORMING USE  
PURSUANT TO N.J.S.A. 40:55D-68**

**WHEREAS**, Madeline Paulison, (hereinafter referred to as the “Applicant”) have made an Application to the Borough of Butler Planning Board (hereinafter referred to as the “Board”), for the issuance of a certificate certifying that the property known as 39 Excelsior Place, contained a legal two-family use; and

**WHEREAS**, the subject property is known as Block 108, Lot 3.01, as shown on the Tax Map of the Borough of Butler, and is located at 39 Excelsior Place, in the Single Family Residential Zone District; and

**WHEREAS**, a public hearing was conducted on March 16, 2023;

**WHEREAS**, the Applicant wase represented by Foster & Mazzie, Esqs.; and

**WHEREAS**, the Board has heard comments and testimony from the Applicant, the Applicant’s counsel, as well as a report from Member James Brown, as to municipal records, and with the public having had the full opportunity to be heard; and

**WHEREAS**, a complete Application has been filed, the fees required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW THEREFORE**, the Planning Board makes the following findings of fact and conclusions of law based upon the evidence presented at its public hearing, at which a record was made:

1. The Application before the Board involves a request to allow the continuation of a two-family use on the subject property, which is now located in a single-family residential zone.

2. On the basis of the testimony presented to the Board and confirmed by Member James Brown, it is a fact that the property was in two-family use based upon the municipal records and the property has remained in two-family use since the introduction of Land Use Zoning in the Borough of Butler. Therefore,

the subject property shall be considered as a non-conforming use and/or structure for the purpose of this Application, allowing unrestricted two-family use.

3. In that the proceedings in this matter were voice recorded, the recital of facts in this Resolution is not intended to be all inclusive, but a summary and highlight of the complete record made before the Board.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Butler Planning Board that the Application of **Madeline Paulison**, for Block 108, Lot 3.01, requesting that the subject property be certified as a non-conforming two-family use, is hereby approved.

The undersigned certifies that the within action was taken by this Board on March 16, 2023 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on April 20, 2023.

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FOR:

AGAINST:

ABSTAIN: